

DECLARATION AND POWER OF ATTORNEY
(Attorney Docket Nos: 71369.172 and PFI-024US)

#6

As below-named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GENES AND POLYNUCLEOTIDES ASSOCIATED WITH ULTRAVIOLET RADIATION-MEDIATED SKIN DAMAGE AND USES THEREOF

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application

Serial No. 09/659,737

on September 11, 2000

and was amended on _____

(if applicable)

**COPY OF PAPERS
ORIGINALLY FILED**

☐ was filed as PCT Patent Application

Serial No. _____

on _____

and was amended under PCT Article 19

on _____

(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

| COUNTRY (if PCT indicate PCT) | APPLICATION NUMBER | DATE OF FILING | PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO) |
|-------------------------------------|--------------------|----------------|--|
| | | | |

We hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

| Application Number(s) | Filing Date (MM/DD/YYYY) | Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|---|
| 60/155,029 | September 11, 2000 | |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

| APPLICATION NUMBER | DATE OF FILING | STATUS: (PATENTED, PENDING OR ABANDONED) |
|--------------------|----------------|--|
| | | |

POWER OF ATTORNEY: As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| | |
|--------------------------|-----------------|
| James B. Lampert | Reg. No. 24,564 |
| Wayne M. Kennard | Reg. No. 30,271 |
| Michael J. Bevilacqua | Reg. No. 31,091 |
| Holly L. Baker | Reg. No. 31,321 |
| Henry N. Wixon | Reg. No. 32,073 |
| Donald R. Steinberg | Reg. No. 37,241 |
| Wayne A. Keown, Ph.D. | Reg. No. 33,923 |
| Ann-Louise Kerner, Ph.D. | Reg. No. 33,523 |
| Michael A. Diener | Reg. No. 31,122 |
| Colleen Superko | Reg. No. 39,850 |
| Richard A. Goldenberg | Reg. No. 38,895 |
| Peter M. Dichiaro | Reg. No. 38,005 |
| Barbara A. Barakat | Reg. No. 32,190 |

| | |
|--------------------------|-----------------|
| Jason A. Reyes | Reg. No. 41,513 |
| Rajesh Vallabh | Reg. No. 35,761 |
| Nancy Chiu, Ph.D. | Reg. No. 43,545 |
| Keum J. Park | Reg. No. 42,059 |
| Janice M. Klunder, Ph.D. | Reg. No. 41,121 |
| Sally Byrne | Reg. No. 40,545 |
| Ayla A. Lari | Reg. No. 43,739 |
| Robert McIsaac, Ph.D. | Reg. No. 46,918 |
| Gretchen A. Rice, Ph.D. | Reg. No. 37,429 |
| Keum J. Park | Reg. No. 42,059 |
| Gary A. Walpert | Reg. No. 26,098 |
| Michael J. Twomey | Reg. No. 38,349 |
| MaryRose Scozzafava | Reg. No. 36,268 |
| Wendy A. Haller | Reg. No. 35,177 |

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:
Ann-Louise Kerner, Ph.D.

Direct Telephone Calls to:
Ann-Louise Kerner, Ph.D.

HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109

(617) 526-6000
(617) 526-5000

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Miroslav Blumenberg**

Inventor's signature

M. Blumenberg

Date

1/21/02

Residence: 100 Bleeker Street, #24B, New York, NY 10012

Citizenship: United States

Post Office Address: same as residence

Full name of second inventor: **Alix M. Gazel**

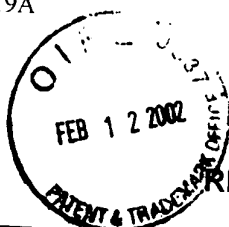
Inventor's signature

Residence: 21 Place de la Republique, Leucate 11370 France

Citizenship: France

Post Office Address: same as residence

Date



**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
- ☐ Resubmission (Non-Recordation)
Document ID#
- ☐ Correction of PTO Error
Reel # Frame #
- ☐ Corrective Document
Reel # Frame #

Conveyance Type

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

U.S. Government

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☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Second Party

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

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☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

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Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number 617-526-6000

Name Robert McIsaac, Ph.D.

Address (line 1) Hale and Dorr LLP

Address (line 2) 60 State Street

Address (line 3) Boston, MA 02109

Address (line 4) United States of America

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

5

Application Number(s) or Patent Number(s)

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property). ☐ Mark if additional numbers attached

Patent Application Number(s)

09/659,737

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number

PCT

PCT

PCT

only if a U.S. Application Number has not been assigned.

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:
Deposit Account

Enclosed ☐

Deposit Account ☒

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

08-0219

Authorization to charge additional fees:

Yes ☒

No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Robert McIsaac, Ph.D.

Name of Person Signing

Signature

Date

ASSIGNMENT

WHEREAS, I, Miroslav Blumenberg, a citizen of the United States and residing at 100 Bleeker Street, #24B, New York, NY 10012, am the inventor of a certain new and useful invention and discovery, for which I have made an application for a United States Patent entitled "GENES AND POLYNUCLEOTIDES ASSOCIATED WITH ULTRAVIOLET RADIATION-MEDIATED SKIN DAMAGE AND USES THEREOF" also identified as Attorney Docket Numbers 71369.172 and PFI-024US, the specification of which was filed with the United States Patent and Trademark Office on September 11, 2000 and has been assigned Serial Number 09/659,737.

WHEREAS, New York University, 70 Washington Square, South, New York, New York 10012, which, together with its successors and assigns is hereinafter called "ASSIGNEE," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for and in consideration of my employment by ASSIGNEE and other valuable consideration furnished by ASSIGNEE to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to ASSIGNEE the entire right, title, and interest in and to said inventions and discoveries, said United States Patent Application, any and all other applications for Letters Patent(s) on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, continuation-in-part, reexamination and convention applications based in whole, or in part, upon said inventions or discoveries, or upon said United States Patent Application, and any and all Letters Patent(s), reissues, and extensions of Letters Patent(s) granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon, or arise from, said inventions, said discoveries, said applications, and said Letters Patent(s);
2. Authorize ASSIGNEE to file patent applications in any or all countries on any or all of said inventions and discoveries in our names or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable, under International Conventions or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments throughout the world to issue or transfer all said Letters Patent(s) to ASSIGNEE, as assignee of the entire right, title, and interest therein or otherwise as ASSIGNEE may direct;

4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents, or any license to use the same, or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to ASSIGNEE without encumbrance;

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon ASSIGNEE's request and at ASSIGNEE's expense, but without additional consideration to either me or them, all acts reasonably serving to assure that said inventions and discoveries, said patent applications, and said Letters Patent(s) shall be held and enjoyed by ASSIGNEE as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this Assignment had not been made; and particularly to execute and deliver to ASSIGNEE all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by ASSIGNEE; and to communicate to ASSIGNEE all facts known to me relating to said inventions and discoveries or the history thereof, and to testify as to the same in any court or proceeding; and to furnish ASSIGNEE any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 17 day of October, 2001.

M. Blumenberg
Miroslav Blumenberg

On this 17 day of October, 2001, before me personally came the above-named Miroslav Blumenberg to me personally known and known to me to be the same individual who executed the foregoing assignment, and who acknowledged to me that execution of the same was of his own free will for the use and purposes therein set forth.

WITNESS: Christine Dana